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Fact Sheet #2: Do I Need a NPDES Permit for My Livestock or Poultry Operation

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Koelsch, Richard K., "Fact Sheet #2: Do I Need a NPDES Permit for My Livestock or Poultry Operation" (2003). *Conference Presentations and White Papers: Biological Systems Engineering*. 24.
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CAFO Fact Sheet series

Fact Sheet #2: Do I Need a NPDES Permit for My Livestock or Poultry Operation?

By Rick Koelsch, University of Nebraska

Disclaimer

This document has been reviewed by EPA and provides a general description of the federal concentrated animal feeding operations regulations (40 CFR Parts 9, 122, 123, 412). For more detailed information, refer to the regulations or contact EPA. Also, your state may have additional, more stringent requirements than EPA's. Contact your permitting authority for complete information on the regulations that apply to you.

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Introduction

New U.S. Environmental Protection Agency (EPA) rules that took effect April 14, 2003 indicate that animal feeding operations (AFOs) can be defined as concentrated animal feeding operations (CAFOs) and required to obtain a National Pollutant Discharge Elimination System (NPDES) permit from the EPA or a designated state permitting authority. The likelihood of an AFO being classified as a CAFO will depend, in large part, on whether that operation is considered to be large, medium, or small.

Assessing Your Operation

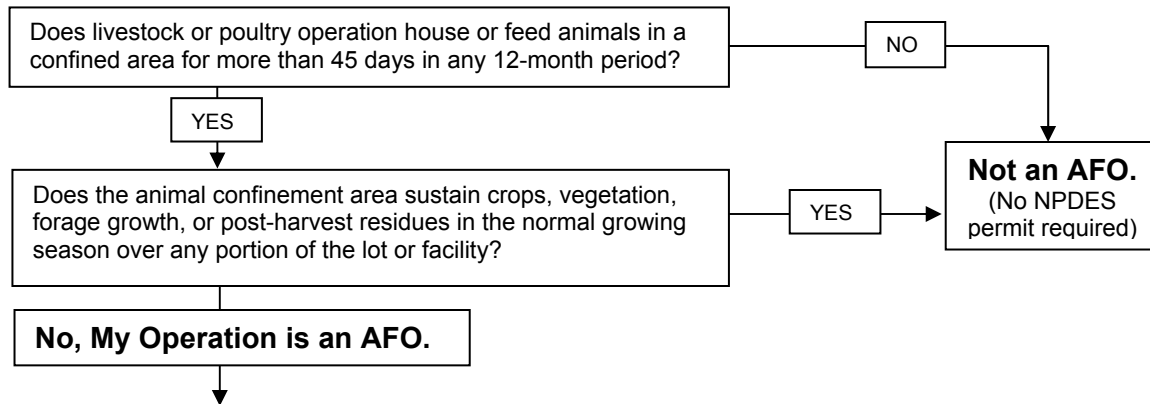
Use the four-step decision process on page 2 to identify if your livestock or poultry operation needs an NPDES permit.

Step 1. Is my livestock or poultry operation an AFO? The NPDES permit is typically not required for grazing-based animal operations. Operations may be required to have a permit only if the animals are fed or housed in a confined area for more than 45 days in any 12-month period and crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

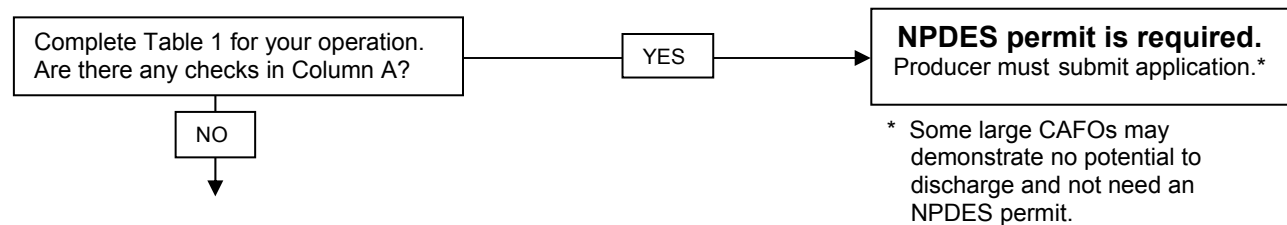
Step 2. Is my livestock or poultry operation a Large CAFO? AFOs are grouped into three sizes: Large, Medium, or Small (see Table 1). With very few exceptions, large AFOs are defined as CAFOs.

Step 3. Is my livestock or poultry operation a Medium CAFO? A medium AFO can be defined as a CAFO if animals are in direct contact with surface water running through the confinement area OR it discharges into waters of the United States through a man-made ditch, flushing system, or other similar device, OR the permitting authority determines the facility is a significant contributor of pollutants to waters of the United States and designates the facility as a CAFO.

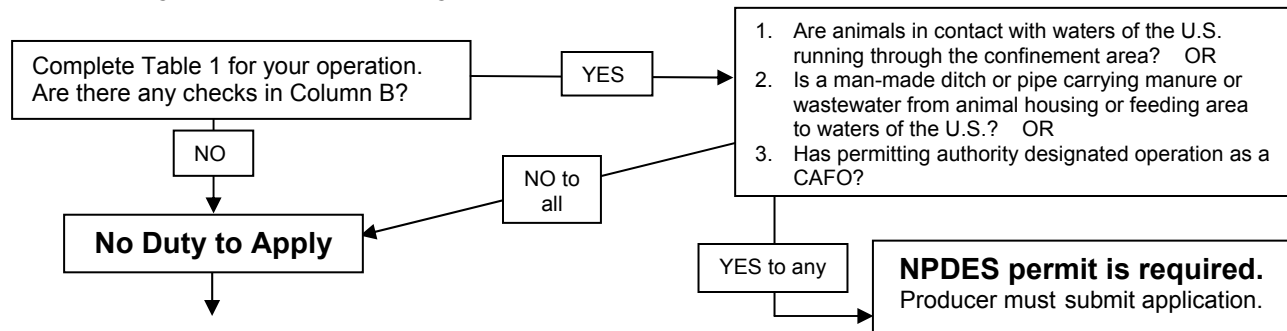
Step 1. Is my livestock or poultry operation an AFO?



Step 2. Is my livestock or poultry operation a Large CAFO?



Step 3. Is my livestock or poultry operation a Medium CAFO?



Step 4. Is my livestock or poultry operation a Small CAFO? (designated by EPA or permitting authority after inspection)

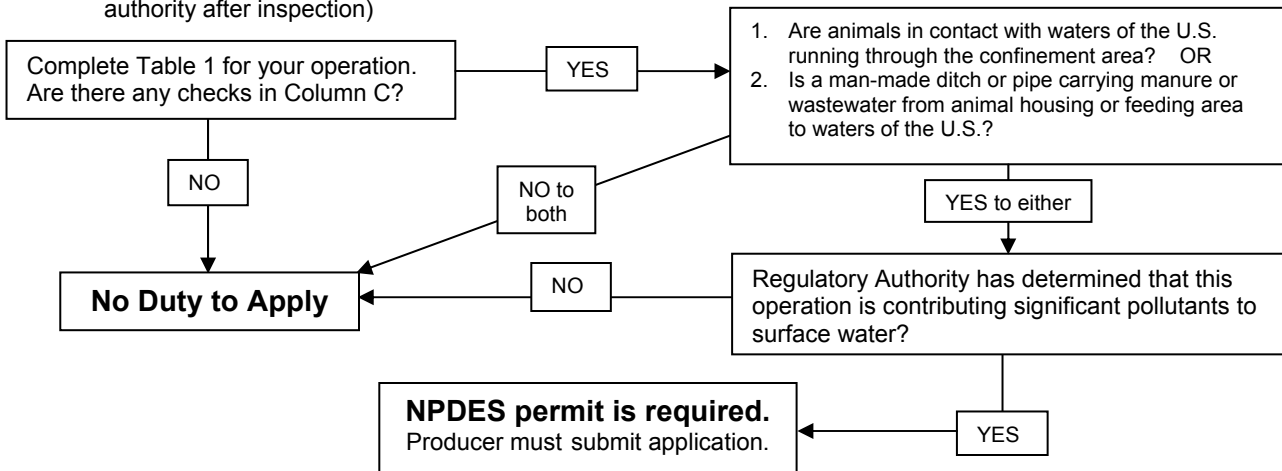


Table 1. AFOs are classified as small, medium, or large according to the following species animal numbers. Check the number of animals in your AFO.

Species	Column A: Large	Column B: Medium	Column C: Small
Beef cattle	_____ 1,000 or more	_____ 300 to 999	_____ less than 300
Veal	_____ 1,000 or more	_____ 300 to 999	_____ less than 300
Mature dairy cattle	_____ 700 or more	_____ 200 to 699	_____ less than 200
Dairy heifers	_____ 1,000 or more	_____ 300 to 999	_____ less than 300
Swine (55 lbs or more)	_____ 2,500 or more	_____ 750 to 2,499	_____ less than 750
Swine (less than 55 lbs)	_____ 10,000 or more	_____ 3,000 to 9,999	_____ less than 3,000
Turkeys	_____ 55,000 or more	_____ 16,500 to 54,999	_____ less than 16,500
Laying hens or broilers ¹	_____ 30,000 or more	_____ 9,000 to 29,999	_____ less than 9,000
Laying hens ²	_____ 82,000 or more	_____ 25,000 to 81,999	_____ less than 25,000
Chickens except laying hens	_____ 125,000 or more	_____ 37,500 to 124,999	_____ less than 37,500
Ducks ¹	_____ 5,000 or more	_____ 1,500 to 4,999	_____ less than 1,500
Ducks ²	_____ 30,000 or more	_____ 10,000 to 29,999	_____ less than 10,000
Sheep or lambs	_____ 10,000 or more	_____ 3,000 to 9,999	_____ less than 3,000
Horses	_____ 500 or more	_____ 150 to 499	_____ less than 150

¹ Only applicable to poultry operations with liquid manure systems

² Other than a liquid manure system

Step 4. Is my livestock or poultry operation a Small CAFO? Small AFOs can be designated as a CAFO only if animals are in direct contact with surface water running through the confinement area OR it discharges into waters of the United States through a man-made ditch, flushing system, or other similar device AND the permitting authority designates the AFO as a CAFO due to its potential to contribute significant pollutants to waters of the United States.

The designation of a medium or small AFO as a CAFO has historically been a very rare occurrence. Medium or small AFOs are designated a CAFO only following an on-site inspection.

Time Line for Compliance

The owner of a livestock or poultry operation defined as a CAFO has a "Duty to Apply" for an NPDES permit. The deadline for an NPDES permit application is as follows:

Type of Operation	Permit Application Deadline
<i>Existing animal operation historically defined as a CAFO by EPA rules:</i>	
And operating with current NPDES permit.	180 days prior to expiration of current permit
But operating without a NPDES permit.	Immediately
<i>Existing animal operation NOT historically defined as a CAFO by EPA rules:</i>	
But now a CAFO.	Deadline set by permit authority but no later than April 13, 2006
Due to its original size but now a CAFO due to expansion.	As soon as possible, but no later than 90 days after expansion
Due to a past exemption under the original CAFO rule (e.g., species exemption) but now a CAFO following expansion.	April 13, 2006 or 90 days after expansion, whichever is later
<i>Newly constructed CAFO:</i>	
Large enough to be a CAFO	180 days before beginning operation

For additional information on the time line for compliance, see *CAFO Fact Sheet #3: How Soon Must I Comply with NPDES CAFO Regulations?*

Definition of Terms

AFO—Animal (livestock or poultry) Feeding Operation

CAFO—Concentrated Animal Feeding Operation

NPDES—National Pollutant Discharge Elimination System



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Reviewers

The author wishes to thank Dennis Heitmann, Alan Rosenboom, and Gary Buttermore, Nebraska Department of Environmental Quality, for their review of this fact sheet.

For More Information

State Contacts	Nebraska	Kansas	Iowa	Missouri	National and Regional
EPA CAFO Phone Line	202-564-0766	202-564-0766	202-564-0766	202-564-0766	202-564-0766
Environmental Regulations Related Resources	http://manure.edu.edu http://cnmp.unl.edu	http://www.oznet.ksu.edu/ kcare/	http://extension.agron.iastate .edu/immag/	<a href="http://outreach.missouri.edu/mo
mmag/">http://outreach.missouri.edu/mo mmag/	<a href="http://www.epa.gov/npdes
/caforule/">http://www.epa.gov/npdes /caforule/ —To obtain copy of regulations
State Environmental Regulatory Agency	Gary Buttermore (402)-471-4255 gary.Buttermore@ndeq.state.ne.us	John Harsch (785) 296-0075 jharsch@kdhe.state.ks.us	Gene Tinker (515) 281-3103 gene.tinker@dnr.state.ia.us	Randy Kixmiller (573) 751-6568 nrkixmr@dnr.state.mo.us	Ralph Summers (913) 551-7418 summers.ralph@epa.gov
State Cooperative Extension	Rick Koelsch 402-472-4051 rkoelsch1@unl.edu	Joel DeRouchey (785) 532-2280 jderouch@oznet.ksu.edu	John Lawrence (515) 294-6290 jdlaw@iastate.edu	John Lory (573) 884-7815 LoryJ@missouri.edu	State Cooperative Extension contacts <a href="http://www.reeusda.gov/1
700/statepartners/usa.htm/">http://www.reeusda.gov/1 700/statepartners/usa.htm/
State Natural Resources Conservation Service (NRCS)	Mike Kucera (402) 471-4102 Michael.Kucera@ne.usda.gov	Lyle Frees (785) 823-4553 lyle.frees@ks.usda.gov	Chris Murray (515) 284-4370 chris.murray@ia.usda.gov	Troy Chockley 573-876-9394 troy.chockley@mo.usda.gov	
Educational Resources	http://www.lpes/	http://www.lpes/	http://www.lpes/	http://www.lpes/	http://www.lpes/
USDA Farm Bill Resources	http://farmbill.unl.edu/	See national site	See national site	See national site	<a href="http://www.nrcs.usda.gov/
programs/farmbill/2002/">http://www.nrcs.usda.gov/ programs/farmbill/2002/
 <p>The LPES educational materials were developed with support from the USDA-CSREES, the U.S. EPA's National Agriculture Compliance Assistance Center, and the University of Nebraska Cooperative Extension at Lincoln, under Cooperative Agreement Number 97-EXCA-3-0642.</p>			 <p>MWPS (MidWest Plan Service), headquartered at Iowa State University, is the primary distributor of LPES curriculum materials. To order the materials on-line, access their website at http://www.mwps.org and visit the catalog section. Discounts are offered on LPES materials.</p>		

Online at: <http://www.heartlandwq.iastate.edu/ManureManagement/Regulations/cafosheets/fact02.htm>